IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.110 OF 2006
IN
CRIMINAL REVISION APPLICATION NO.230 OF 2006

Amjed Fateh Mohd. Khan ...Applicant

Vs.

State of Maharashtra ...Respondent

Shri M.V.Limaye i/by Shri D.R.Raja & Mrs. C.R. Raja
for the Applicant.

Shri S.R. Shinde, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 15, 2006.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. This is an Application for condonation of delay of 860 days in filing Revision Application. The Revision Application which is sought to be filed is for challenging an order dated 07th October, 2003 passed by the learned Additional Sessions Judge, Thane by which Application for discharge made by the Applicant has been rejected. The Applicant is original accused No.2 who is facing trial for offences punishable under section 302, 307, 447, 448, 147, 148, 149, 114, 118, 212, 120(b), 506(2) r/w Sec 34 of the Indian Penal Code and section 25(1)(a) and 27 of Arms Act and under section 37(1)(3)

r/w 135 of Bombay Police Act. For challenging the order passed on 07th October, 2003 the present Revision Application has been filed on 24th May, 2006. In this Application practically there is no explanation for delay of 860 days. It is stated that certified copy of the impugned order was available on 16th October, 2003. The only ground for condonation of delay pleaded in this Application is that the Applicant was expecting that the trial will conclude early. It is stated that as trial is not being concluded for various reasons, the present Revision Application is filed. Thus, there is hardly any explanation for gross delay of 860 days. Perusal of the roznama shows that one of the reasons for delay in trial is that Applications were made for exemption by accused persons. Some of the accused persons were not present on various dates.

2. In my view, no case is made out for condonation of delay of 860 days. Sufficient cause is not made out. Application is rejected. At this stage, the learned Advocate for the Applicant submitted that trial may be expediated and time bound programme may be fixed.

3. Perusal of the roznama shows that some of the

accused persons have contributed to delay in disposal of the trial. Therefore, time bound programme cannot be fixed. However, the learned Trial Judge is directed to conclude the trial as expeditiously as possible.

JUDGE